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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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NATHAN BROWN, 90A3219,

Plaintiff,

-v-

DECISION AND ORDER  
05-CV-0796JTE

GEORGE STRUEBEL, Supervisor Inmate  
Grievance Program; and  
DYLAG, Correctional Officer;

Defendants.

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FILED  
2006 APR 24 PM 3:34  
U.S. DISTRICT COURT  
W.D.N.Y.

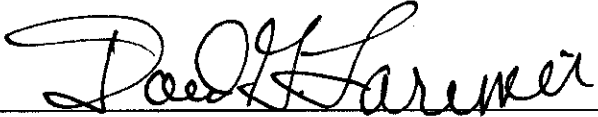
Plaintiff, who is incarcerated in the Attica Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has both met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted.

Plaintiff has filed a motion to amend his complaint to correct the name of a party incorrectly identified in the amended complaint. In the apparent absence of any dilatory motive on the part of the plaintiff or prejudice to defendants, who have not yet been served, plaintiff is permitted to file the proposed Second Amended Complaint. Plaintiff's second amended complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

The Clerk of the Court is directed to file plaintiff's Second Amended Complaint, and to cause the United States Marshal to serve copies of the Summons, Second Amended Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

IT IS SO ORDERED.

  
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DAVID G. LARIMER  
United States District Judge

DATED: April 20, 2006  
Rochester, New York